

3.11 LAND USE

Land ownership and use varies in the Project Area and on nearby lands. PALCO property is private and is surrounded primarily by other private lands. Land use on the lands near PALCO lands includes agriculture, residential, recreational, and conservation activities. The following sections summarize current ownership and land use patterns in the Humboldt Area.

3.11.1 Affected Environment

3.11.1.1 Humboldt Area Land Management

PALCO lands in Humboldt County begin east of Eureka and extend south to and around the north part of Humboldt Redwoods State Park (Figure 1.2-1). The northwest corner of the Elk River Timber Company property is located approximately three miles southeast of the Eureka City limits.

Land Ownership

With the exception of Humboldt Redwoods State Park, most lands next to PALCO lands are privately owned (Figure 3.11-1). Some of the larger adjacent land owners include Louisiana Pacific, Sierra Pacific Industries, Elk River Timber Company, Simpson Lumber Company, and Eel River Sawmills.

The federal lands closest to PALCO lands are National Forest System (Six Rivers National Forest) and BLM lands. A small area of BLM land is less than one mile away from the eastern edge of the PALCO lands while the main portion of the Six Rivers National Forest is about 10 to 20 miles away. The closest state land is Humboldt Redwoods State Park. PALCO owns lands next to the northern half of the

main body of the park and along the segment that follows U.S. 101.

Land Use

Land use surrounding PALCO lands is largely oriented to timber production and grazing (Figure 3.11-1). As mentioned in the previous section, several large timber corporations own property near the PALCO lands and actively use their lands for timber production.

Some agricultural use (primarily grazing) occurs in and near PALCO lands. PALCO currently permits grazing of approximately 600 head of cattle (cow/calf pairs) on its lands for various individuals (Personal communication, R. Bettis, Land Manager, Pacific Lumber Company, Fortuna, California, February 26, 1997).

Portions of PALCO lands are next to several residential areas. One area located near the northern portion of the PALCO lands includes the communities of Freshwater and Kneeland. Another area consists of a string of small communities along U.S. 101. The communities are west of the central part of the PALCO lands and include Fortuna, Hydesville, Carlotta, and Rio Dell.

Humboldt Redwoods State Park is next to the southern portion of the PALCO lands. It is a public resource and is used for habitat conservation, species conservation, recreation, education, and other activities.

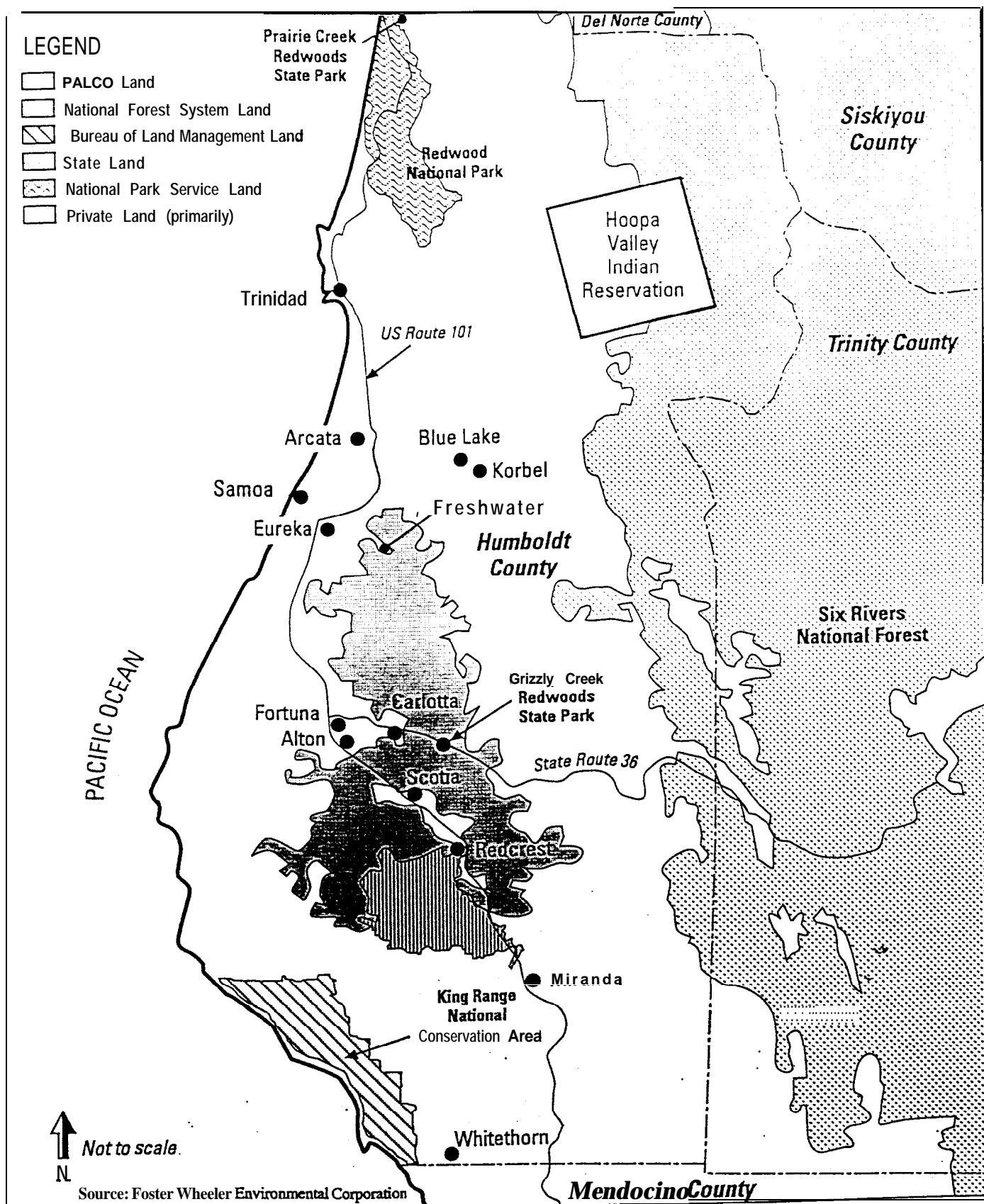


Figure 3.11-1
Land Ownership Map

Comprehensive Plans

HUMBOLDT COUNTY

Humboldt County has land planning responsibilities for all but a small portion (the City of Fortuna) of the lands around and including the PALCO lands. The Humboldt County General Plan (Volume 1, Framework) was adopted in 1984 (Humboldt County, 1996a). The plan contains 17 land use designations, six of which apply to lands near the land exchange, as listed below:

- Timber Production (TP)
- Agriculture, Exclusive (AE)
- Agriculture, Rural (AR)
- Public Land (P)
- Agricultural Lands (AL)
- Agricultural, Grazing (AG)

Most of the land that surrounds the PALCO lands has one of two land use designations: Timber Production (in which all of the acquisition lands are included) and Agricultural Grazing (generally on ridges and hill tops of non-timbered areas). The PALCO lands are also bordered by three community planning areas: Freshwater, Fortuna, and Hydesville-Carlotta. The community plans provide additional policies and standards specific to the needs of the respective planning areas. They comprise Volume II of the county's general plan. These two land use designations and the community planning areas are described below.

Timber Production—All of the PALCO and Elk River Timber Company lands are included in this designation. It is used to classify land that is primarily suitable for growing, harvesting, and producing timber. In this designation, uses that would significantly detract from or inhibit growing and harvesting timber are not permitted. Compatible uses such as watershed management, fish and wildlife management, grazing and other

agriculture, limited numbers of single-family dwelling units, and certain types of recreation under control of the land owner are permitted. The dwelling density in this designation ranges from one dwelling unit per 160 acres to one unit per 20 acres. The minimum parcel size allowed for subdivision in the Timber Production designation is 40 acres, although a parcel may be as small as 20 acres if certain provisions are met.

Agricultural Grazing—These lands are not prime agricultural lands, but are predominantly a suitable parcel size for agricultural use. The designation does not inhibit timber production on adjoining lands. The dwelling density in this designation ranges from one unit per 160 acres to one unit per 20 acres. The minimum parcel size allowed for subdivision in the Agricultural Grazing designation is 40 acres, although a parcel may be as small as 20 acres if certain provisions are met.

Community Planning Areas—There are four community planning areas, and four community plans apply to areas near PALCO lands, particularly to lands near the portion of PALCO lands close to the Headwaters Grove. The community plans are long-range statements of public planning policy for land use in the specific communities. The four plans are the Freshwater Community Plan, the Fortuna Community Plan, the Hydesville-Carlotta Community Plan, and the Eureka Community Plan. They are all part of the Humboldt County Framework Plan.

Fortuna Area Community Plan—The Fortuna Community Planning Area includes the unincorporated part of the county that surrounds the incorporated town of Fortuna (Humboldt County, 1985a). A major goal of the plan is to maintain the level of resource protection for timberlands and to direct residential development to existing urban areas on the fringe of the

City of Fortuna. Approximately 58 percent of the 5,200-square-acre planning area is contained in the Timber Production designation. Most of the area near PALCO lands included in the planning area is designated Timber Production designation, which permits a maximum of one dwelling per 40 acres.

Freshwater Community Plan—The Freshwater Community Planning Area includes the area around the community of Freshwater (Humboldt County, 1985b). The plan indicates that approximately 65 percent of the 9,100-acre planning area has been designated as Timber Production. The planning area is rural and will likely retain a predominantly low-density character due to a scarcity of water and sewer service. The planning area lands closest to PALCO lands have been designated Timber Production. The minimum dwelling density for the Timber Production designation in the Freshwater Planning Area is one dwelling unit per 20 acres.

Hydesville-Carlotta Community Plan—The Hydesville-Carlotta Community Planning Area includes the lower reaches of the Van Duzen River valley and the communities of Carlotta, Hydesville, Riverside Acres, and Starvation Flats. The lands in this 11,060-acre planning area that are closest to PALCO lands have been designated Timber Production (which accounts for 42 percent of the planning area) and Agricultural Exclusive. This area is primarily a bedroom community for people who work in Fortuna, or in the Eureka-Arcata area (Humboldt County, 1985c). The plan calls for protecting productive agricultural lands and concentrating new residential development around existing community use. The minimum dwelling density for these two areas is one dwelling unit per 20 acres.

Eureka Community Plan—The Eureka Community Planning Area consists of

approximately 14.5 square miles surrounding the City of Eureka. It includes a major urbanized area involving residential, commercial, industrial, and resource-related uses. Approximately 45 percent of the lands in the planning area is designated as Timber Production Zone. One isolated parcel of PALCO land is located in this planning area. It is approximately three miles south of the City of Eureka in an area zoned Timber Production.

City of Fortuna

The northeast boundary of the City of Fortuna is next to PALCO lands and is approximately two miles south of Headwaters Grove. The city's general plan was adopted in 1993, as was the city's zoning ordinance (City of Fortuna, 1993a; City of Fortuna, 1993b). The general plan identified portions of the city closest to PALCO lands (the northeast section of the city) as open space, with a density of two units per acre or less. The same area was identified in 1993 as having the capacity for 55 new residences.

3.11.1.2 Mineral Resources

PALCO Lands

Oil, gas, and mineral claims are held within the Reserve Area on both PALCO and Elk River Timber Company lands. The BLM is currently conducting a mineral claims investigation. Before completing any transaction, attempts will be made to extinguish surface and subsurface mineral estates. If a surface or subsurface claim is not extinguished, it is unlikely that mineral extraction activities would occur in the Reserve. Any such activity would have to comply with the Reserve Management Plan. As a result, mineral extraction would be difficult and extremely unlikely, particularly for the types of minerals likely to be found in the Reserve (sand and gravel).

3.11.2 Environmental Effects

Implementation of the alternatives would have varying effects on exchange lands and adjacent lands. This section briefly discusses how the alternatives would affect land uses in the Humboldt Area. Table 3.11-1 summarizes significant effects related to land use.

Thresholds of Significance

To evaluate the comparative effects of the alternatives on land use in the Humboldt Area, several significance criteria were selected. The criteria were whether or not the alternatives (1) are consistent with adopted comprehensive plans, (2) are compatible with existing land uses on surrounding lands, and (3) affect existing access to public and/or private lands.

Several assumptions were made in choosing the criteria that were used to determine thresholds of significance for land use. For criterion 1 (consistency with comprehensive plans), it was assumed that if a land use complied with the uses allowed for that specific land use designation (as per the Humboldt County General Plan), then the land use was consistent with the general

plan. With criterion 2 (consistency with existing land uses on surrounding lands), it was assumed that if a land use was allowed in certain land use designations, then that land use would be consistent with nearby land uses. It was assumed that the authors of the Humboldt County General Plan represented the wishes of the people of Humboldt County. If a particular land use was inappropriate near a second different land use, the first would not be allowed to be located near the second. The primary assumption for criterion 3 (existing access to public and/or private lands) is that any proposed land use that would change existing access patterns would have an effect on land use.

Alternative 1 (No Action/No Project)

The state and federal assumptions for assessing environmental impacts under the No action alternatives differ due to differences in the analytic approach required by CEQA and NEPA. CEQA implementing regulations require that an EIR discuss “the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project

Table 3.11-1. Summary of Environmental Effects Related to Land Use in the Humboldt County Area

Alternative	Consistency with Land Use Plans	Compatibility with Nearby Land Uses	Accessibility to Nearby Lands
1	Consistent	Potential temporary effects on parks and residential land uses; no significant effect	None (per current PALCO policy)
2	Reserve inconsistent; requires zoning change	Compatible with nearby land use	Access to Reserve
2A	Same as Alt. 2	Same as Alt. 2	Similar to Alt. 2; 1,764 fewer acres with potential access
3	Same as Alt. 2	Similar to Alt. 2, no significant effect	Same as Alt. 2
4	Same as Alt. 2	Potentially fewer effects than Alt. 1; no significant effect	Potential access to 61,415 acres

Source: Foster Wheeler Environmental Corporation

were not approved [14 C.C.R. 15126(d)(4)].” CEQA does not require either a projection into the long-term future that could be deemed to be speculative, nor does it require a quantitative analysis of the No Action/No Project alternative for comparison with the other alternatives. Accordingly, the state version of the No Action/No Project alternative analyzed here contemplates only the short term and is based on individual THPs that would be evaluated case by case. The CDF version of No Action/No Project does not attempt to forecast how PALCO’s entire property would look in 50 years (the length of the proposed ITP). Since it is unknown how many THPs there would be, where they would lie geographically, and how they would differ in detail, no quantitative analysis of THPs is presented (see Section 2.5).

The likely No Action/No Project alternative would consist of PALCO operating in a manner similar to current THP practices and subject to existing CDF regulatory authority. In reviewing individual THPs, CDF is required to comply with the FPA, FPRs, and CEQA through its certified functional equivalent program (see Section 1.6). The specific criteria for evaluating THPs contained in the FPRs are combined with the case-by-case evaluation of each THP for significant effects on the environment, followed by consideration of alternatives and mitigation measures to substantially lessen those effects. Under CEQA and the FPRs, CDF must not approve a project including a THP as proposed if it would cause a significant effect on the environment, and there is a feasible alternative or feasible mitigation measure available to avoid or mitigate the effect. An adverse effect on a listed threatened or endangered species would be a significant effect under CEQA.

In addition, the present FPRs provide that the Director of CDF shall disapprove a

timber harvesting plan as not conforming to the rules if, among other things, the plan would result in either a taking or a finding of jeopardy of wildlife species listed as rare, threatened, or endangered by the Fish and Game Commission or a federal fish or wildlife agency, or would cause significant, long-term damage to listed species. To make a determination as to the effect of a THP on listed fish or wildlife species, CDF routinely consults with state and notifies federal fish and wildlife agencies. These processes and independent internal review by CDF biologists can result in a THP containing additional site-specific mitigation measures similar to the ones described in the Proposed Action/Proposed Project. CDF believes that its existing process using the FPRs, the CEQA THP-by-THP review, and mitigation are sufficient to avoid take of listed species.

The mitigation by which an individual THP is determined to comply with FPRs, the federal and California ESAs, and other federal and state laws is determined first by compliance with specific standards in the FPRs, and then by development of site-specific mitigation measures in response to significant effects identified in the CEQA functional equivalent environmental analysis of the individual THP. A wide variety of detailed mitigation measures tailored to local conditions is applied with the purpose of avoiding significant environmental effects and take of listed species. These include, but are not limited to, consideration of slope stability, erosion hazard, road and skid trail location, WLPZ width, BMPs on hillslopes and within WLPZs, and wildlife and fish habitat. Consequently, most significant effects of individual THPs can be expected to be mitigated to a level of less than significant through implementation of the No Action/No Project alternative. In some cases, CDF may determine that it is not feasible to mitigate a significant effect of a THP to a level of less than significant. In

such a situation, CDF would have to determine whether specific provisions of the FPRs such as not allowing take of a listed threatened or endangered species would prohibit CDF from approving the THP. If approval is not specifically prohibited, CDF would have to weigh a variety of potentially competing public policies in deciding whether to approve the THP. A THP with a significant remaining effect could be approved with a statement of overriding considerations, but such an approval would be expected to be rare.

As noted in Section 2.5, under NEPA, the degree of analysis devoted to each alternative in the EIS will be substantially similar to that devoted to the Proposed Action/Proposed Project. The federal agencies recognize that a wide variety of potential strategies could be applied that could represent a No Action/No Project scenario and that they would involve consideration of the same mitigation measures as described above. For the purposes of analysis under NEPA, however, these additional mitigation measures are represented as RMZs, rather than management options developed for site-specific conditions. Consequently, the analysis of the No Action/No Project alternative considers the implementation of wide, no-harvest RMZs, as well as restrictions on the harvest of old-growth redwood forest to model conditions over the short and long term. Ranges of RMZ width are considered qualitatively because it is expected that adequate buffer widths could vary as a result of varying conditions on PALCO lands.

Based on NEPA analysis, it can be assumed that with Alternative 1, timber production would continue on PALCO lands, although at a decreased level compared to recent years. Other activities that occur on PALCO lands such as grazing, gravel and sand extraction, and use of the camp

complex along the North Fork Elk River would also continue.

Because the PALCO lands have been designated by Humboldt County as Timber Production, harvest associated with Alternative 1 would be consistent with the current Humboldt County General Plan, including the Freshwater, Fortuna Area, and Hydesville-Carlotta Community Plans (Humboldt County, 1996a).

The City of Fortuna does not have any PALCO lands within its jurisdiction and would not be affected by Alternative 1 or any of the other alternatives.

Existing land uses adjacent to and near PALCO lands include timber production, grazing, agriculture, preservation and recreation (Figure 3.11-2). Timber production occurs on both PALCO and other adjacent lands. Preservation and recreation occur at Humboldt Redwoods and Grizzly Creek Redwoods state parks. Three general areas (Freshwater, Hydesville-Carlotta, and Fortuna) contain most of the residential land uses near PALCO lands. Most of the residences in these and other areas are not immediately adjacent to PALCO lands.

Harvest activities associated with Alternative 1 would be consistent with land uses on adjacent timber production and agricultural lands. In addition, harvest activities would be consistent from a comprehensive planning and legal perspective with adjacent conservation, recreation and residential land uses.

Although harvest activities would be consistent with existing adjacent land uses from a comprehensive planning and legal perspective, some users and/or owners of adjacent conservation, recreation and residential lands, might be disturbed by the proposed harvest activities on PALCO lands associated with Alternative 1. Concern with harvest activities on PALCO lands has been expressed by a number of adjacent

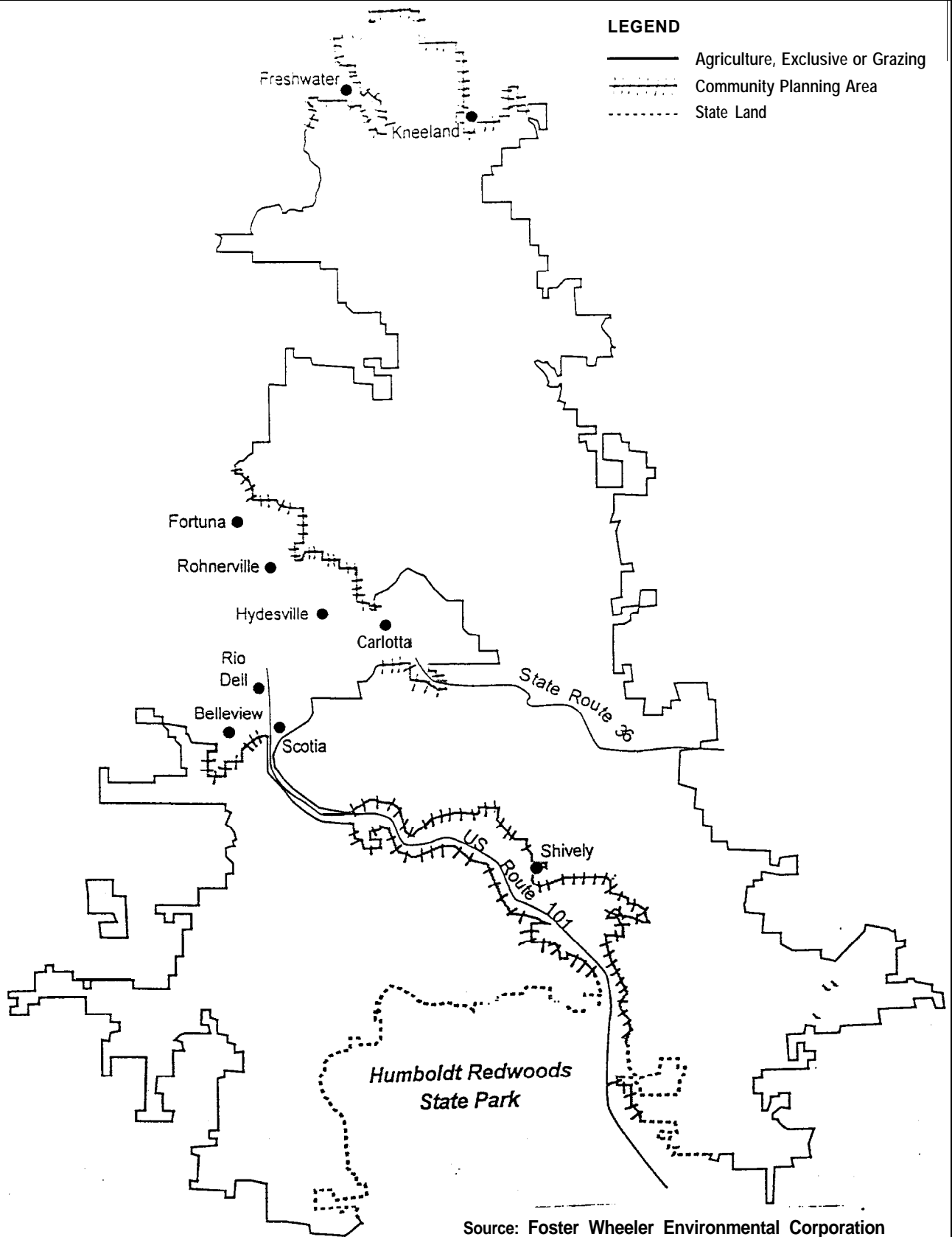


Figure 3.11-2

Humboldt County Zoning Types Bordering PALCO Lands

and nearby land owners and users. These concerns include increases in traffic on local roads from logging trucks (particularly in residential areas), potentially unsafe driving conditions on local roads as a result of the increases in logging truck traffic, and increases in dust and noise from logging operations and logging trucks. There is also a concern among some local residents that timber harvest on PALCO lands would increase the likelihood of debris slides starting on PALCO lands and affecting nearby property. As discussed in Section 3.6.3.1 (Timber Harvest-related Mass Wasting) and Section 3, all alternatives would comply with existing FPRs and HCP prescriptions related to mass wasting and would be implemented with each THP submitted. Section 3.6.3.1 indicates that, in general, the risk of mass wasting event is moderate. Due to the low density of residences on private lands next to PALCO lands, the likelihood of residences being affected by mass wasting events would be low. Even though FPRs and HCP prescriptions would be followed for timber harvest and related activities, these provisions reduce, but do not eliminate, the risk of hillslope and road failures. Consequently, there is always the possibility that mass wasting could affect private property.

As with mass wasting, fires originating on PALCO lands potentially could affect adjacent lands. PALCO will follow the FPRs related to fire protection (Article 7, Hazard Control [Burning and Slash] and Article 8, Fire Protection) and site protection (Article 5, Site Preparation). The risk of fire originating on PALCO lands and spreading to neighboring property, is, therefore, low if FPRs are followed.

With Alternative 1, PALCO would continue to control access to its lands.

Alternative 2 (Proposed Action/ Proposed Project)

Under this alternative, 7,503 acres of private land in Humboldt County would be transferred to public ownership. Lands that are now zoned Timber Production would be converted to non-timber production and preservation use.

The transfer of lands designated for timber production to public ownership would require that the county amend the general plan to reflect this change in jurisdiction. It is the stated goal of the plan to “actively protect and conserve timberlands for long-term economic utilization and to actively enhance county timber production capabilities.” Lands designated Timber Production are intended to be managed for this purpose. A change to a Public Lands designation would have to follow public acquisition of these lands to maintain plan consistency. Further, plan policies generally discourage acquisition and conversion of resource production lands to other uses [Sec. 2543.5] and oppose full-fee acquisitions, except where specified findings are made [2443.4]. These findings require that the acquisition (1) is part of an adopted management plan; (2) is within the management boundaries of the public lands, or is for consolidation of management units; (3) is made from willing sellers; and (4) is the last option after discussion of all less-than-full-fee alternatives with the property owner.

The transfer of land to public ownership would involve a change in zoning designation. The county’s zoning ordinance (non-coastal) does not have a specific zone for “public lands.” In recent years, other recreation/conservation-oriented lands in Humboldt County that have been transferred to the state have been rezoned from Timber Production to Agricultural Exclusive, 160-acre minimum parcel size (AE-B-5[160]) (Personal communication, S. Werner, Supervising Planner, Humboldt

County, Eureka, California, April 16, 1997). The lands, therefore, would most likely be rezoned as Agricultural Exclusive which would require a 160-acre minimum parcel size (AE-B-5(160)).

Because the Headwaters Reserve would be surrounded by lands designated Timber Production, creation of the Reserve would have no effect on land uses next to PALCO lands. The adoption of the PALCO SYP would direct harvest operations on PALCO lands outside of the Reserve, including lands near the two state parks next to PALCO lands and the three areas with some residential land uses. Harvest activities would still occur near the parks and areas with some residences and would have the same temporary effects described in Alternative 1. These would not constitute significant effects.

Under Alternative 2, public access would be provided to and through the Headwaters Reserve. PALCO would restrict access to and through other PALCO lands.

Alternative 2A (No Elk River Property)

Alternative 2A would have the same effect on land use in Humboldt County and on adjacent lands as Alternative 2, except that 4,791 acres of Elk River Timber Company land would remain in its ownership under this alternative. Land totaling 5,739 acres and designated as Timber Production would be exchanged. Humboldt County would most likely rezone it as Agricultural Exclusive (AE-B-5[160]), compared to 7,503 acres in Alternative 2.

Public access would be similar to Alternative 2, except that there would be no access to the Elk River Timber Company lands.

Alternative 3 (Property-wide Selective Harvest)

This alternative would have similar effects on land use as Alternative 2 in terms of establishing a Reserve and converting

Timber Production land to other uses. This alternative would also have similar effects on nearby lands and access and would not result in significant effects.

Alternative 4 (63,000-acre No-harvest Public Reserve)

Under this alternative, a 63,673-acre no-harvest Reserve would be established. The conversion of lands that are currently designated Timber Production would preclude timber production and would not be consistent with the current Humboldt County General Plan. As under Alternative 2, Humboldt County probably would rezone the Reserve lands to Agricultural Exclusive (AE-B-5(160)).

Under this alternative, there would be less harvest activity on PALCO lands that are next to other lands, and, in general, the temporary effects would be fewer than those described in Alternative 1. However, the 61,415-acre Reserve would not be located near any of the communities surrounding PALCO lands. The same concerns nearby residents expressed relative to timber harvest under Alternative 1 would also apply under Alternative 4. With the establishment of the 61,415-acre Reserve, there would be more area available for public access.

3.11.3 Cumulative Effects

Alternative 1 would be consistent with local land use plans that have zoned PALCO for timber production. The cumulative effect for Humboldt County would be a continuation of commercial forestry on PALCO lands. Alternative 1 would reduce the amount of old-growth forest in Humboldt County.

The other alternatives would convert varying amounts of timber production lands to non-timber production lands that would have other preservation-oriented values.

Under the HCP, either the Owl Creek or the Grizzly Creek MMCA would be

available for harvest. AB 1986 conditions the expenditure of state funds for acquisition of the Headwaters Forest and other lands on the inclusion of several provisions in the final HCP, the IA, and the ITPs intended to strengthen protections for covered species. Should PALCO include those provisions in the final HCP, state monies would be appropriated to the state Wildlife Conservation Board to fund the state's share of the cost of acquiring approximately 7,500 acres of private forest lands, including the Headwaters Forest. Under AB 1986, the Owl Creek MMCA would be protected from harvest for the life of the ITPs, and the Grizzly Creek MMCA would be protected for five years from the date of the adoption of the final HCP. AB 1986 also appropriates additional funding for the future opportunity to purchase Owl Creek. Any funds remaining from those appropriated for the purchase of the Owl Creek MMCA, could be used to purchase tracts of the Elk River Property and

previously unlogged Douglas-fir forest land within the Mattole River watershed.

The state managing agency and management prescriptions are unknown, and these acquisitions are somewhat speculative. Considering the legislative intent behind AB 1986, it is assumed that purchased lands would be managed similarly to the Headwaters Reserve. These anticipated acquisitions would protect old-growth and residual redwood stands and some Douglas-fir stands within these tracts in perpetuity.

Acquisition and management of these properties would require rezoning by Humboldt County. The land would likely be rezoned from Timber Production to Agricultural Exclusive.

3.11.4 Mitigation

Because there would be no significant effects on land use, no mitigation is required.